

**Corporation for National and Community Service (AmeriCorps)
Requests for Medical or Religious Reasonable Accommodation
OMB Control Number 3045-0196**

Justification – Part A Supporting Statement

Overview of Information Collection:

This is a request for approval of a revision of an information collection that was approved on an emergency basis. The original information collection was for requests for health and religious accommodations that were specific to seeking exemptions from the COVID-19 vaccination requirement, but with this revision, AmeriCorps is revising the forms to cover all requests for health and religious accommodations. If the COVID-19 vaccination requirement is reinstated at any time, these general forms can be used. These forms allow AmeriCorps to collect information in support of individuals' requests for any religious and medical accommodation, so that AmeriCorps can act on those requests as appropriate. The information is collected on two separate forms: one for requests for religious accommodation and one for requests for medical accommodation. Respondents may include AmeriCorps employees (including political appointees, career employees, detailees, and interns), applicants and candidates for employment, contractors, national service members, volunteers, applicants and candidates for AmeriCorps national service programs, and visitors to AmeriCorps facilities. This includes authorized individuals or representatives who file a request for a reasonable accommodation on behalf of any of the above-referenced parties.

1. Need & Method for the Information Collection.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, requires Federal agencies to reasonably accommodate the religious beliefs or practices of individuals unless doing so would impose an undue hardship on the agency. Regulations clarifying this obligation are at 29 CFR 1605.2. In order to determine whether a religious accommodation is appropriate, AmeriCorps must receive information from the individual about the nature of their religious beliefs or practice or observance and the accommodation they are requesting. AmeriCorps has developed an online form for individuals to provide this information.

Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, requires Federal agencies to provide reasonable accommodation for individuals with disabilities to have an equal opportunity to get a job and successfully perform their job tasks to the same extent as people without disabilities. Additionally, Executive Order (EO) 13164, *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation* (Jul 26, 2000), requires each Federal agency to establish effective written procedures for processing requests for reasonable accommodation by individuals with disabilities and track the processing of requests and maintain the confidentiality of medical information. In order to determine whether a medical accommodation is appropriate, AmeriCorps must receive information from the individual about the type of accommodation requested and why the requested accommodation is medically necessary. AmeriCorps has developed an online form for individuals to provide this information.

Additionally, this information collection is related to the pandemic response in that the collection of this information allows AmeriCorps to comply with Executive Order (EO) 13991, Protecting the Federal Workforce and Requiring Mask-Wearing, requiring that all individuals working on an AmeriCorps campus attest to being vaccinated or follow alternative safety measures; EO 14043, Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, requiring Federal employees are vaccinated against COVID-19 “subject to exceptions as required by law.” The President’s Safer Federal Workforce Task Force (“Task Force”) has issued guidance to Federal agencies, including AmeriCorps, relating to medical and religious accommodations, as those are the two exceptions required by law. Individuals may seek a legal exemption to the vaccination requirement due to a disability, using the attached forms. The agency may also ask for other information, as needed.

To meet the requirements of the Executive Orders and Task Force recommendations, AmeriCorps created and maintains a Reasonable Accommodations system of records to allow for the collection and protection of information related to medical-based accommodation requests and accommodation requests made for sincerely held religious beliefs, practices, or observances. The forms associated with this system of records will facilitate the processing of requests for exemptions from the vaccine requirement.

If this information is not collected, AmeriCorps will have no basis upon which to grant or deny requests for religious and medical accommodations.

2. Use of the Information.

AmeriCorps’ Office of Civil Rights (OCR) collects this information and maintains the personal health and religious information submitted as part of (1) medical-based and religious-based reasonable accommodation requests; (2) public health emergency or similar health and safety incidents, such as a pandemic, epidemic, or man-made emergency; and/or (3) any other lawful collection of health-related information that is necessary to ensure a safe and healthy environment for individuals who occupy AmeriCorps facilities, attend AmeriCorps-sponsored events, participate in AmeriCorps programs, or are otherwise engaged in official business on behalf of the agency.

A respondent seeking a reasonable accommodation will likely initiate the request verbally to their supervisor or an AmeriCorps Equal Employment Opportunity Specialist, who will then provide them with the appropriate form to complete. Alternatively, a respondent may search the AmeriCorps intranet or external website for “accommodation” and find information, including a devoted email address for questions or to initiate an accommodation request. The request for religious accommodation requires the individual to describe their religious beliefs and the accommodation they are requesting. The request for medication accommodation requires the individual to describe their accommodation request and why it is medically

necessary, and also requires them to transmit the form to their medical provider to fill in additional information, which may require calling, emailing, or meeting in person with their medical provider.

Psychological costs of this information collection may include stress for the individual initiating the request stemming from the circumstances leading them to request an accommodation and anxiety that the request may be denied. Psychological costs may also include discomfort in sharing personal information about religious beliefs and medical needs.

To minimize any learning time, AmeriCorps has developed these forms to make them as simple as possible and provides an email address devoted to reasonable accommodation requests and information.

AmeriCorps uses this information primarily for internal purposes.

3. Use of Information Technology.

Respondents electronically submit the forms, which are fillable for easy submission. If they do not have access to technology to allow them to submit online, paper forms will be provided.

4. Non-duplication.

There are no other sources of information by which AmeriCorps can meet the purposes described in the response to Question 1, above.

5. Burden on Small Business.

There is no impact on small businesses.

6. Less Frequent Collection.

If AmeriCorps did not collect this information or were to collect it less frequently, then AmeriCorps would be unable to comply with legal requirements that reasonable accommodations be made available to those who qualify where there is no undue burden to the agency. This collection is not recurring.

7. Paperwork Reduction Act Guidelines.

There are no special circumstances associated with this information collection.

8. Consultation and Public Comments.

AmeriCorps published a notice soliciting comment on this information collection on March 14,

2022, at 87 FR 14255. No comments were received in response to that notice.

AmeriCorps also reached out to the EEOC for its views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure, reporting format, and data elements to be recorded disclosed or reported. EEOC had the following comments recommending that the medical accommodation form should:

- State that it is available in written and accessible formats.
- Not automatically require requestors to automatically provide medical information, because an agency may not request medical information where (a) both the disability and the need for reasonable accommodation are obvious; or (b) the individual has already provided the agency with sufficient information to document the existence of the disability and their functional limitations.
- Require that information about the disability or functional limitations come from the medical provider when a disability and/or need for accommodation is not obvious, or when the information already submitted is insufficient to document the disability and/or the functional limitations it causes.
- Include the agency's obligation to keep medical information confidential.
- In Part 2, ask other pertinent questions of the medical expert, such as the activity or activities that the impairment limits; the extent to which the impairment limits the individual's ability to perform the activity or activities; and/or why the individual requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

AmeriCorps has incorporated all of these changes into the form. AmeriCorps also reached out to several organizations suggested by the Job Accommodation Network (JAN) and has not yet received any input, but will continue reaching out.

9. Gifts or Payment.

There will be no payments to respondents.

10. Privacy & Confidentiality.

The agency is required to keep confidential any medical information provided, subject to the applicable Rehabilitation Act standards. The agency is also required to keep confidential all information provided, including religious information and other personally identifiable information, subject to applicable Privacy Act and National Institute of Standards and Technology (NIST) guidance and has adopted appropriate administrative, technical, and physical controls in accordance with its security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals. Moreover, AmeriCorps' Office of Information Technology (OIT)/Cybersecurity ensures Security and Privacy controls are in place, compliant with the Federal Information Security Management Act of 2002, as amended (FISMA), and all FISMA-

related requirements, to protect the confidentiality, integrity and availability of the information collected, stored and/or processed.

The System of Record Notice (SORN) supporting this collection, **CNCS-10-CEO-PHRI-*Personal Health and Religious Information***, was published on November 18, 2021, at [Federal Register :: Privacy Act of 1974; System of Records](#) (86 FR 64458). The SORN will also be published on the [AmeriCorps public website](#).

11. Sensitive Questions.

These forms include questions regarding medical and religious information. This information is being collected and maintained to document the need for a reasonable accommodation. Furnishing the requested information is required to establish that the individual has a sincerely held religious , practice or belief, or a covered disability and the functional limitations of the disability, and the need for reasonable accommodation. Failure to fully complete the form or refusal to provide the requested documentation may lead to a breakdown in the reasonable accommodation process and could result in a determination that the individual is not entitled to reasonable accommodation.

12. Burden Estimate.

The agency typically receives few requests for accommodation in any given year. The vaccine requirement set out in E.O. 14043 generated a handful of requests, though still a low rate. These forms are typically filled out by the individual requesting the accommodation and in the case of medical requests, their medical providers contribute. This response time includes 1 hour for the individual to fill out the form and 2 hours for the medical practitioner to provide input for medical requests. The religious based requests are therefore limited to ½ hour only.

Estimated Annualized Burden Table

Collection Instrument	Number of Respondents	Frequency of Response	Annual Hour Burden	Total Burden Hours
Request for Medical Exemption	20	1	3	60
Request for Religious Exemption	20	1	.5	10
TOTALS:	40		1.75	70

No changes to the burden have been made.

The hourly wage rate for individuals/members is based on the average for Federal executive branch employees published by OPM, found at <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/federal-executive-branch-characteristics-2010-2018.pdf>. The hourly wage rate for medical providers is based on the Hourly Mean Wage for Offices of Physicians as published by the U.S. Department of Labor, Bureau of Labor Statistics, May 2021, found at <https://www.bls.gov/oes/current/oes291216.htm>.

Estimated Annualized Cost to Respondents

Type of Respondents	Total Annual Burden Hours	Hourly Respondent Wage Rate	Respondent Cost
Individual Medical Providers	40	\$116.44	\$4,657.60
Individual members/volunteers	30	\$41.59	\$1,247.70
TOTALS:	70	N/A	\$5,954.90

13. Estimated nonrecurring costs.

Respondents incur no annualized capital/startup or ongoing operation and maintenance costs for this collection. Cost burden to respondents consists solely of the time required to complete the forms based on their personal knowledge and, for the Medical Accommodation form, obtain their medical provider's input.

14. Estimated cost to the Government.

AmeriCorps estimates that two staff persons will process the accommodation requests, for a total cost to the government of \$4,700, as shown in the following table:

Cost	Pay Band	Salary*	% of Effort	Fringe if applicable	Total Cost to Government
Federal	NY-4	145,00	2.00	N/A	\$2,900

Oversight		0	%		
	NY-3	90,000	2.00 %	N/A	\$1,800
Contractor Cost	0	0	0		\$0
Total					\$4,700

15. Reasons for changes.

No changes or adjustments have been made.

16. Publicizing Results.

This information is not intended for publication.

17. OMB Not to Display Approval.

AmeriCorps is not requesting a waiver for the display of the OMB approval number and expiration date on data collection instruments.

18. Exceptions to "Certification for Paperwork Reduction Submissions."

This submission does not require an exception to the Certification for Paperwork Reduction Act Submissions.

19. Surveys, Censuses, and Other Collections that Employ Statistical Methods.

This information collection does not employ surveys, censuses, or other statistical methods.